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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

12 NATIONSTAR MORTGAGE LLC,)
13 Plaintiff,) Case No. 2:17-cv-00713-JAD-NJK
14 vs.) ECF No. 64
15 THUNDER PROPERTIES, INC.,)
16 Defendant.)

)

STIPULATION & ORDER STAYING CASE

18 COMES NOW, Defendant, THUNDER PROPERTIES, INC. ("Thunder"), and Plaintiff,
19 NATIONSTAR MORTGAGE LLC ("Nationstar"), by and through their undersigned counsel,
20 and hereby stipulate and agree as follows:

1. The instant matter involves real property commonly known as 3433 Skyline
2 Boulevard, Reno, Nevada 89509 (“*the “Property”*”), which is located within and
3 governed by a common interest community known as Skyline Villas Association,
4 Inc. (*the “HOA”*). The Property was the subject of a homeowners association lien
5 foreclosure sale conducted by Hampton & Hampton Collections, LLC
6 (“*Hampton*” or “*HOA Trustee*”), on behalf of HOA on November 12, 2013
7 (“*HOA Foreclosure Sale*”). Thunder purchased the Property at the HOA

- 1 Foreclosure Sale. Nationstar or its predecessor possessed one or more secured
2 interests in the Property at the time of the HOA Foreclosure Sale.
- 3 2. On December 10, 2019, Plaintiff filed a Motion for Summary Judgment herein
4 [ECF #39].
- 5 3. Pursuant to an Order dated September 29, 2020 [ECF #57], this Court determined
6 that HOA and Hampton failed to provide statutorily required notice to the holder
7 of the first deed of trust recorded against the Property as required by law and that
8 the HOA Foreclosure Sale is thus voidable. The Court further directed the parties
9 to file supplemental briefs addressing the proper remedy given the finding of
10 voidability.
- 11 4. Nationstar filed a supplemental brief on October 16, 2020 [ECF #58], pursuant to
12 which it argues that the HOA Foreclosure Sale should be deemed valid but that
13 Thunder should be deemed to have purchased the Property subject to its secured
14 interest(s). Thunder filed a response brief on October 30, 2020 [ECF #59],
15 pursuant to which it argues that under circumstances such as those at hand, the
16 HOA Foreclosure Sale should be voided at Thunder's option. Nationstar filed a
17 reply brief on November 11, 2020 [ECF #60]. The supplemental briefing remains
18 pending before the Court at this time.
- 19 5. Thunder and Nationstar have recently reached an agreement in principle to resolve
20 this matter in its entirety. The agreement will be confidential but generally
21 involves Thunder retaining ownership of the Property and paying agreed upon
22 consideration to Nationstar in exchange for a release of its security interests in the
23 Property. The agreement is contingent upon the HOA Foreclosure Sale not being
24 deemed to be void.
- 25 6. The parties anticipate that in conjunction with their settlement, they will stipulate
26 that the HOA Foreclosure Sale is not void and that Thunder acquired its
27 ownership interest subject to Nationstar's security interests. However, the parties
28 need to first perform certain due diligence and document their settlement.

- 1 7. Based upon the foregoing, Thunder and Nationstar jointly request that this Court
2 stay this litigation, including any ruling based upon the supplemental briefing that
3 is presently before the court, for a period of approximately 60 days.
4 8. Upon execution of a written settlement agreement, and approval of any further
5 required stipulations, the parties anticipate that this action will be dismissed in its
6 entirety.
7 9. This Stipulation is made in good faith and not for purpose of delay.

8 Dated this 15th day of June, 2021.

9 ROGER P. CROTEAU &
10 ASSOCIATES, LTD.

AKERMAN LLP

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23 **Nationstar Mortgage, LLC**

24 **ORDER**

25 Based on the parties' stipulation [ECF No. 64] and good cause appearing, IT IS HEREBY
26 ORDERED that this action is STAYED for all purposes until August 18, 2021.

27 
28 U.S. District Judge 6/18/2021